

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *Q* D.C.
5 MAY -6 AM 8:32

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MEMPHIS

ORDER FOLLOWING HEARING GRANTING DEFENDANT'S MOTION TO COMPEL

Before the court is defendants Public Properties Management, Inc. and David S. Wolfe's Motion to Compel, filed March 28, 2005 (dkt #404). In the motion, the defendants ask the court to order the plaintiff to respond fully to interrogatories numbers 11, 12, 13, 14, and 16, which were propounded on the plaintiff on April 17, 2001. On April 11, 2005, the plaintiff filed his response to the motion. Defendants filed a reply on May 3, 2005. On May 5, 2005, the court held a hearing on the motion. Counsel for all interested parties were present and heard. The parties agreed that the interrogatories were proper and had been previously responded to by the plaintiff, but disagreed on whether the responses were complete or sufficiently specific. At the conclusion of the hearing, and based on the arguments of counsel, the submitted briefs, and the

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entire record, the court concluded that the plaintiff's interrogatory responses were not complete and lacked the necessary specificity required under Fed.R.Civ.P. 33. The court granted the motion to compel, requiring as follows:

Plaintiff shall provide defendants with an updated schedule (similar to the schedule attached to plaintiff's May 5, 2003 letter sent to defense counsel Craddock) setting forth in detail the monies that plaintiff alleges defendants misappropriated and which form the basis for plaintiff's damages in this case. The schedule must itemize each check, payment or transaction which plaintiff claims was misappropriated by the defendants, and must contain a description of the facts, bases or opinions which plaintiff contends support or refute plaintiff's contention that defendants improperly used or diverted funds or assets belonging to the partnership. These responses shall be provided to defendants by June 15, 2005.

IT IS SO ORDERED.



TU M. PHAM
United States Magistrate Judge

5/5/05

Date



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Honorable Jon McCalla
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